

Page 12, line 10, after "supports." insert --The aperture is infinitely variable from a closed position to the maximum opening.--

Page 12, line 10, change "an" to --a tri-spoked or fluted--

Page 12, line 10, after "down onto the" insert --fixed.--

Page 12, line 11, after "fixed in position" insert --without the use of tools--

REMARKS -- General

By the above Amendment, Applicants have rewritten all claims to define the invention more particularly and distinctly so as to define the invention patentably over the prior art.

The drawing objections are noted and will be corrected after allowance. Figure 4 will be canceled and Figures 5 and 6 will be renumbered accordingly.

The Objection To the Specification And The Rejection of Claims 4 and 14 Under 37 CFR 1.75(d)(1) MPEP § 608.01 (o) and 35 USC § 112

The Specification was objected to as failing to provide proper antecedent basis for the claimed subject matter, specifically for the term "rust-resistant plating material."

The Specification has been amended to include proper antecedent basis for this term referred to in Claims 4 and 14 which have been rewritten as new claims 22 and 32.

Accordingly applicants submit that the amended Specification now complies with 37 CFR 1.75(d)(1) MPEP § 608.01 (o) and that the rewritten claims now comply with 35 USC § 112, and therefore request withdrawal of this objection.

The Rejection of Claim 1 on Hirsch is Overcome

The last OA rejected independent claim 1 on Hirsch. Claim 1 has been rewritten as new Claim 19 to define patentably over this reference. Applicants request reconsideration of this rejection as now applicable to claim 19 for the following reasons:

- (1) Applicant's invention solves a different problem than the reference, and such different problem is recited in the claims. *In re Wright*, 6 USPQ 2d 1959 (1988)
- (2) Claim 1 now rewritten as new claim 19 recites:
 - a. a ground engaging flat base;
 - b. slotted vertical support members with flat planar surfaces for holding flat plane display items, and of sufficient height to hold those items in a vertical position without tipping over;
 - c. a means of slidably connecting the vertical support members with flat planar surfaces to the ground engaging base;
 - d. a means of slidably adjusting the location of the vertical support members on said base so that they are infinitely adjustable from complete closure to the maximum possible distance, and;
 - e. a means of slidably affixing the vertical support members without the use of tools and without removing the base from the ground, such that a flat plane display item can be placed into the aperture created between the vertical support members, and such that the display item stands perpendicularly to the base without being held in place by pressure or friction which could damage the display item.

This language distinguishes over Hirsch under section 102 because

- a. Hirsch does not show a ground engaging base;
- b. Hirsch does not show slotted vertical support members, nor does he show support members with flat planar surfaces to communicate with the surface of a flat plane display item;

- c. Hirsch does not show a means of slidably connecting vertical support members with flat planar surfaces to a ground engaging flat base;
- d. Hirsch does not show a means of slidably adjusting vertical support members such that they are infinitely adjustable to hold an item of any thickness up to the maximum possible distance width between those members;
- e. Hirsch does not show a means of affixing vertical support members on a ground engaging base without the use of tools, nor does Hirsch show a means of supporting a flat plane display object perpendicular to a base;

These distinctions are submitted to be of patentable merit under Section 103 because of the new results which flow from the novel structure of the present invention: the ground engaging base allows flat display items to be placed on the ground or a floor surface, the flat planar surfaced vertical uprights hold flat display items in a vertical position without damaging them, the height of the uprights combined with the weight and dimension of the base prevents flat display items from tipping over, the slidable support members allow flat display items of varying thickness to be held, and a means of adjusting and affixing the support members without the use of tools allows quick and easy setup.

The Rejection of Claim 2 on Hirsch is Overcome

The last OA rejected dependent claim 2 on Hirsch. Claim 2 has been rewritten as new Claim 20 to define patentably over this reference. Applicants request reconsideration of this rejection as now applicable to claim 20 for the following reasons:

- (1) Claim 2 now rewritten as new claim 20 recites a ground engaging flat base with an elongated rectangular shape. This language distinguishes over Hirsch under section 102 because Hirsch does not show a ground engaging flat base.

This distinction is submitted to be of patentable merit under Section 103 because of the new results which flow from the novel structure of the present invention: the ground engaging flat base of the present invention allows flat display items to be placed on the

ground or a floor surface, and the elongated rectangular shape adds stability to the device when holding tall items.

The Rejection of Claim 3 on Hirsch and O'Neill is Overcome

The last OA rejected dependent claim 3 on Hirsch, in view of O'Neill. Claim 3 has been rewritten as new Claim 21 to define patentably over this reference. Applicants request reconsideration of this rejection as now applicable to claim 21 for the following reasons:

- (1) The references cited take mutually exclusive paths and reach different solutions to a similar problem. Hirsch teaches slidably mounted jaws which clamp a telephone downward to a panel mounted on top of a pedestal, for the purpose of making the telephone and stand more portable. O'Neill teaches L-shaped clamps that screw into a bracket which is mounted to an appliance in order to secure it to a piece of furniture so that it cannot easily be stolen. Since these references teach away from each other, it would not be logical to combine them.
- (2) It would be necessary to make modifications not taught in the prior art, in order to combine the references in the manner suggested. Because Hirsch's "base" is mounted on top of a vertical standard with a floor base, making the "base" out of metal would make the entire device top-heavy, requiring weight to be added to the floor base to overcome the additional weight at the top. Not only would there be no advantage to making Hirsch's base out of metal, but there would be increased manufacturing cost for machining the six required slots in the "base," and therefore a person of ordinary skill in the art at the time of the invention would not have been motivated to modify the invention in view of O'Neill.
- (3) Claim 3 now rewritten as new claim 21 recites a ground engaging flat base made of metal. This language distinguishes over Hirsch under section 102 because Hirsch does not show a ground engaging flat base. Therefore, even if Hirsch and O'Neill were combined, the references would not meet the claims.

This distinction is submitted to be of patentable merit under Section 103 because of the new results which flow from the novel structure of the present invention: the ground engaging base of the present invention allows flat display items to be placed on the ground or a floor surface, and a metal base adds to the stability of the device by virtue of its weight.

The Rejection of Claim 4 on Hirsch, O'Neill and Kneebone is Overcome

The last OA rejected dependent claim 4 on Hirsch, in view of O'Neill, when further considering Kneebone. Claim 4 has been rewritten as new Claim 22 to define patentably over this reference. Applicants request reconsideration of this rejection as now applicable to claim 22 for the following reasons:

- (1) The third reference, Kneebone, is nonanalogous art. Hirsch describes a device for mounting a telephone on top of a pedestal, for the purpose of making the telephone and stand more portable. O'Neill describes a device for securing an appliance to a piece of furniture so that it cannot easily be stolen. Kneebone describes a ramp which can be temporarily tied to the tailgate of a pickup truck. Since Kneebone is from a different technical field than the present invention or the other references cited in combination, a person of ordinary skill in the art at the time of the invention would not have been motivated to modify the invention in view of Kneebone.
- (2) The prior art references do not contain any suggestion (express or implied) that they be combined, or that they be combined in the manner suggested. Neither Hirsch's device, designed to hold a telephone on a pedestal, nor O'Neill's device, designed to secure appliances to furniture, would be used in an environment exposed to moisture or the elements, because the items which they hold or secure are electrical in nature and designed to be used indoors, and therefore, neither would gain any advantage by being made of metal coated with a rust resistant plating material as taught by Kneebone. Therefore, a person of ordinary skill in the art at the time of the invention would not have been motivated to modify the invention in view of Kneebone.

- (3) Claim 4 now rewritten as new claim 22 recites a ground engaging flat base made of metal and coated with a rust-resistant plating material. This language distinguishes over Hirsch under section 102 because Hirsch does not show a ground engaging flat base. Therefore, even if Hirsch, O'Neill, and Kneebone were combined, the references would not meet the claims.

This distinction is submitted to be of patentable merit under Section 103 because of the new results which flow from the novel structure of the present invention: the ground engaging base made of metal and coated with a rust resistant plating material allows flat display items to be placed on the ground for outdoor occasions, without concern about rust damage to the device due to dampness of the ground or inclement weather.

The Rejection of Claim 5 on Hirsch is Overcome

The last OA rejected dependent claim 5 on Hirsch. Claim 5 has been rewritten as new Claim 23 to define patentably over this reference. Applicants request reconsideration of this rejection as now applicable to claim 23 for the following reasons:

- (1) Claim 5 now rewritten as new claim 23 recites slotted vertical support members with flat planar surfaces having an L-shape. This language distinguishes over Hirsch under section 102 because:
- a. Hirsch does not show vertical support members;
 - b. Hirsch does not show vertical support members with slots;
 - c. Hirsch does not show vertical support members with flat planar surfaces;
 - d. Hirsch does not show vertical support members having an L-shape.

This distinction is submitted to be of patentable merit under Section 103 because of the new results which flow from the novel structure of the present invention: the slotted nature and L-shape of the vertical support members enables the quick and easy adjustment of the present invention to hold items of varying thickness, and the flat planar

surfaces of the vertical support members allow flat plane display items to be held with stability in a vertical position without causing damage to the items.

The Rejection of Claim 6 on Hirsch is Overcome

The last OA rejected dependent claim 6 on Hirsch. Claim 6 has been rewritten as new Claim 24 to define patentably over this reference. Applicants request reconsideration of this rejection as now applicable to claim 24 for the following reasons:

- (1) Claim 6 now rewritten as new claim 24 recites slotted vertical support members with flat planar surfaces having an L-shape, and communicating with said ground engaging flat base along the flat bottom portion of that L-Shape. This language distinguishes over Hirsch under section 102 because:
 - a. Hirsch does not show vertical support members.
 - b. Hirsch does not show slots in vertical support members.
 - c. Hirsch's does not show vertical support members with flat planar surfaces.
 - d. Hirsch's does not show support members with an L-shape
 - e. Hirsch's does not show support members with an L-shape communicating with a ground engaging flat base along the flat bottom portion of that L-shape.

This distinction is submitted to be of patentable merit under Section 103 because of the new results which flow from the novel structure of the present invention: The flat nature of the bottom portion of the L-shaped vertical support members enables the support members to slide easily across the surface of the base without tipping or binding, enabling the user to affect quick and easy one-handed adjustment and tightening of the vertical support while stabilizing the display item with the other hand.

The Rejection of Claim 7 on Hirsch is Overcome

The last OA rejected dependent claim 7 on Hirsch. Claim 7 has been rewritten as new Claim 25 to define patentably over this reference. Applicants request reconsideration of this rejection as now applicable to claim 25 for the following reasons:

- (1) Claim 7 now rewritten as new claim 25 recites slotted vertical support members with flat planar surfaces having an L-shape, with a guide slot in the flat bottom portion of the L-shape. This language distinguishes over Hirsch under section 102 because:
 - a. Hirsch does not show slotted vertical support members;
 - b. Hirsch does not show vertical support members with flat planar surfaces;
 - c. Hirsch does not show vertical support members having an L-shape;
 - d. Hirsch does not show L-shaped vertical support members with a guide slot in the flat bottom portion of that L-shape.

This distinction is submitted to be of patentable merit under Section 103 because of the new results which flow from the novel structure of the present invention: The guide slot in the flat bottom portion of the L-shaped vertical support member further facilitates ease of use by helping to restrict the travel of the vertical support to a linear horizontal path during adjustment so that the user does not have to exert additional effort to control the movement of the support, or hold the pieces together until they are tightened.

The Rejection of Claim 8 on Hirsch is Overcome

The last OA rejected dependent claim 8 on Hirsch. Claim 8 has been rewritten as new Claim 26 to define patentably over this reference. Applicants request reconsideration of this rejection as now applicable to claim 26 for the following reasons:

- (1) Claim 8 now rewritten as new claim 26 recites a ground engaging flat base having one or more fixed guide pins, such that the guide slot in each vertical support member may be placed over the pins, enabling the adjustable vertical support members to slide across a predetermined area on the base. This language distinguishes over Hirsch under section 102 because:
 - a. Hirsch does not show a ground engaging base;
 - b. Hirsch does not show a ground engaging flat base having fixed guide pins;
 - c. Hirsch does not show vertical support members having a guide slot.

This distinction is submitted to be of patentable merit under Section 103 because of the new results which flow from the novel structure of the present invention: The fixed guide pins in the ground engaging base cooperate with the guide slot in the flat bottom portion of the L-shaped vertical support to restrict the travel of the vertical support to a linear horizontal path during adjustment, and the use of multiple fixed guide pins in the base and a single guide slot in each vertical support allows the support to slide freely and easily across the base during adjustment without friction or binding.

The Rejection of Claim 9 on Hirsch and Helfman is Overcome

The last OA rejected dependent claim 9 on Hirsch in view of Helfman. Claim 9 has been rewritten as new Claim 27 to define patentably over this reference. Applicants request reconsideration of this rejection as now applicable to claim 27 for the following reasons:

- (1) The second reference, Helfman, is nonanalogous art. Hirsch teaches a device for mounting a telephone to a pedestal stand, for the purpose of making the telephone and stand more portable. Helfman teaches a planter with slidably adjustable mounting brackets designed to clamp the planter to the top of a railing or wall partition to make it more stationery. Since Helfman is from a different technical field than the present invention or the other reference cited in combination, a person of ordinary skill in the art at the time of the invention would not have been motivated to modify the invention in view of Helfman.
- (2) It would be necessary to make modifications not taught in the prior art in order to combine the references in the manner suggested. Helfman teaches a loose carriage bolt and a winged nut to secure its holder and bracket components together. To utilize loose carriage bolts and winged nuts, Hirsch would have to bore clearance holes through his jaws to allow the bolt to be inserted through the top and to protrude downward through the slot in the base. A Teflon or nylon washer would have to be added to prevent the winged nut from binding on the bottom surface of the base during adjustment. The winged nuts would protrude farther below the base than the wood screws, in a manner

that would be both unsightly and unsafe. Because these modifications would add to the cost and complexity of Hirsch's device while adding no additional benefits, a person of ordinary skill in the art at the time of the invention would not have been motivated to modify the invention in view of Helfman.

- (3) Each reference is complete and functional in itself, so there would be no reason to use parts from or add or substitute parts to any reference.
- (4) The references can't legally be combined because they take mutually exclusive paths to reach different solutions to a problem, and, therefore, by implication each teaches away from combining itself with the other.
- (3) Claim 9 now rewritten as new claim 27 recites a support stand wherein at least one fixed guide pin is threaded. This language distinguishes over Hirsch and Helfman under section 102 because neither Hirsch nor Helfman shows a fixed threaded guide pin. Therefore, even if Hirsch and Helfman were combined, the references would not meet the claims.

This distinction is submitted to be of patentable merit under Section 103 because of the new results which flow from the novel structure of the present invention: the fixed threaded guide pin enables the slidable vertical support members to be moved easily and freely during adjustment, while also allowing a means for the support members to be fixed in a specific location once the adjustment is completed.

The Rejection of Claim 10 on Hirsch and Helfman is Overcome

The last OA rejected dependent claim 10 on Hirsch in view of Helfman. Claim 10 has been rewritten as new Claim 28 to define patentably over this reference. Applicants request reconsideration of this rejection as now applicable to claim 28 for the following reasons:

- (1) The second reference, Helfman, is nonanalogous art. Hirsch teaches a device for mounting a telephone on top of a pedestal stand, for the purpose of making the telephone and stand more portable. Helfman teaches a planter with slidably adjustable mounting brackets designed to clamp the planter to the top of a railing or wall partition to make it more stationery. Since Helfman is from a different technical field than the present invention or the other reference cited in combination, a person of ordinary skill in the art at the time of the invention would not have been motivated to modify the invention in view of Helfman.
- (2) It would be necessary to make modifications not taught in the prior art in order to combine the references in the manner suggested. Helfman teaches a loose carriage bolt and a winged nut to secure its holder and bracket components together. In the OA's interpretation of Helfman, a tri-spoked or knurled knob duplicates the function of a winged nut. To utilize loose carriage bolts and tri-spoked or knurled knobs, Hirsch would have to bore clearance holes through the jaws to allow the loose carriage bolts to be inserted through the top and to protrude downward through the slot in the base to engage threaded tri-spoked or knurled knobs. The tri-spoked or knurled knobs would protrude much farther below the base than the wood screws, in an unsightly manner. The size and relatively high cost of up to four tri-spoked or knurled knobs would not be justifiable for use in Hirsch's device in view of how seldom the jaws would be adjusted. Because these modifications would add significantly to the cost and complexity of Hirsch's device while providing no additional benefits, a person of ordinary skill in the art at the time of the invention would not have been motivated to modify the invention based on Hirsch in view of the OA's interpretation of Helfman.
- (3) The prior art references do not contain any suggestion (express or implied) that they be combined, or that they be combined in the manner suggested.
- (4) Each reference is complete and functional in itself, so there would be no reason to use parts from or add or substitute parts to any reference

- (5) The references can't legally be combined because they take mutually exclusive paths to reach different solutions to a problem, and, therefore, by implication each teaches away from combining itself with the other.
- (6) Claim 10 now rewritten as new claim 28 recites a support stand where each threaded fixed guide pin is threadedly mated with an oppositely threaded tri-spoked or fluted manual adjusting knob that may be tightened down on said fixed threaded guide pin compressing the flat bottom portion of said L-shaped vertical support member with flat planar surfaces against said ground engaging flat base, such that said L-shaped vertical support member with flat planar surfaces will be fixed in a specific location on said ground engaging flat base without the use of tools, without inverting the support stand, and without removing the item being held. This language distinguishes over Hirsch under section 102 because Hirsch does not show a threaded fixed guide pin, does not show L-shaped vertically support members with flat planar surfaces, does not show a ground engaging base, does not show a tri-spoked or fluted manual adjusting knob, and does not show a manner in which a vertical support member can be fixed in a specific location without the use of tools. This language also distinguishes over Helfman under section 102 because Helfman does not show a fixed threaded guide pin and does not show a tri-spoked or fluted knob. Therefore, even if Hirsch and Helfman were combined, the references would not meet the claims.

This distinction is submitted to be of patentable merit under Section 103 because of the new results which flow from the novel structure of the present invention: the fixed threaded guide pin enables the slidable vertical support members to be moved easily and freely during adjustment, without having to hold the loose components of the device in place until adjustment is completed, and the oppositely threaded adjustment knob provides a means for the support members to be quickly and easily fixed in a specific location once the adjustment is completed.

The Rejection of Claim 11 on Hirsch is Overcome

The last OA rejected dependent claim 11 on Hirsch. Claim 11 has been rewritten as new Claim 29 to define patentably over this reference. Applicants request reconsideration of this rejection as now applicable to claim 29 for the following reasons:

- (1) Claim 11 now rewritten as new claim 29 recites a support stand wherein one or more vertical support members with flat planar surfaces are permanently fixed in a predetermined location on said ground engaging flat base. This language distinguishes over Hirsch under section 102 because:
 - a. Hirsch does not show vertical support members with flat planar surfaces
 - b. Hirsch does not show a ground engaging flat base.

This distinction is submitted to be of patentable merit under Section 103 because of the new results which flow from the novel structure of the present invention: The permanently fixed vertical support member by virtue of its flat planar surface works in conjunction with an opposing slidably connected vertical support member to hold flat plane display items in a vertical position without damaging the item, or alternately, by unthreading the adjusting knob, the opposing slidably connected vertical support member can be completely removed, and the display item can optionally be fastened to the fixed vertical support member by inserting screws through the mounting holes (Fig 5, 28) into the back of the display item.

The Rejection of Claim 12 on Hirsch is Overcome

The last OA rejected dependent claim 12 on Hirsch. Claim 12 has been rewritten as new Claim 30 to define patentably over this reference. Applicants request reconsideration of this rejection as now applicable to claim 30 for the following reasons:

- (1) Claim 12 now rewritten as new claim 30 recites a support stand in which one or more of the vertical support members with flat planar surfaces are permanently fixed wherein additional non-fixed L-shaped vertical support members with flat planar surfaces may be

temporarily fixed in a location on said ground engaging flat base. This language distinguishes over Hirsch under section 102 because:

- a. Hirsch does not show permanently fixed vertical support members with flat planar surfaces;
- b. Hirsch does not show a ground engaging flat base;
- c. Hirsch does not show a non-fixed L-shaped vertical support member with flat planar surfaces.

This distinction is submitted to be of patentable merit under Section 103 because of the new results which flow from the novel structure of the present invention: The permanently fixed vertical support member works in conjunction with an opposing slidably connected L-shaped vertical support, their flat planar surfaces facilitating communication with the display item. The L-shape and ability of the slidable support to be temporarily fixed at a user selected location allows the device to hold display items of varying thickness.

The Rejection of Claim 13 on Hirsch is Overcome

The last OA rejected dependent claim 13 on Hirsch, in view of O'Neill. Claim 13 has been rewritten as new Claim 31 to define patentably over this reference. Applicants request reconsideration of this rejection as now applicable to claim 31 for the following reasons:

- (1) The references cited take mutually exclusive paths and reach different solutions to a similar problem. Hirsch teaches slidably mounted jaws which clamp a telephone downward to a panel mounted on top of a pedestal, for the purpose of making the telephone and stand more portable. O'Neill teaches L-shaped clamps that screw into a bracket which is mounted to an appliance in order to secure it to a piece of furniture so that it cannot easily be stolen. Since these references teach away from each other, it would not be logical to combine them.

- (2) It would be necessary to make modifications not taught in the prior art, in order to combine the references in the manner suggested. To make Hirsch's jaws of metal, the wood screws would have to be changed to machine screws, tapped threaded holes would have to be added to the jaws to receive the screws, and protective pads would have to be added to the jaws to keep them from damaging the item being held. The added weight of metal jaws at the top of Hirsch's telephone stand would decrease its stability, requiring additional weight in the floor base. Not only would there be no advantage to making Hirsch's device out of metal, but there would be increased manufacturing cost for casting and/or machining the metal jaws, and therefore a person of ordinary skill in the art at the time of the invention would not have been motivated to modify the invention in view of O'Neill.
- (3) While O'Neill does mention a metallic base in his specification (Col 3, l 39), he does not specifically claim either a base or side brackets made of metal, and never states that the "L-shaped" side brackets are made of metal as incorrectly stated in the OA.
- (4) Claim 13 now rewritten as new claim 31 recites a support stand wherein fixed and non-fixed L-shaped vertical support members with flat planar surfaces are made of metal. This language distinguishes over Hirsch under section 102 because Hirsch does not show L-shaped vertical support members with flat planar surfaces. Therefore, even if Hirsch and O'Neill were combined, the references would not meet the claims. This distinction is submitted to be of patentable merit under Section 103 because of the new results which flow from the novel structure of the present invention: the use of metal provides the L-shaped brackets with the strength required to hold tall display items in a vertical position without tipping, and the weight of the metal helps to increase the stability of the device.

The Rejection of Claim 14 on Hirsch, O'Neill and Kneebone is Overcome

The last OA rejected dependent claim 14 on Hirsch, in view of O'Neill, when further considering Kneebone. Claim 14 has been rewritten as new Claim 32 to define patentably over

this reference. Applicants request reconsideration of this rejection as now applicable to claim 32 for the following reasons:

- (1) The third reference, Kneebone, is nonanalogous art. Hirsch describes a device for mounting a telephone on top of a pedestal, for the purpose of making the telephone and stand more portable. O'Neill describes a device for securing an appliance to a piece of furniture so that it cannot easily be stolen. Kneebone describes a ramp which can be temporarily tied to the tailgate of a pickup truck. Since Kneebone is from a different technical field than the present invention or the other references cited in combination, a person of ordinary skill in the art at the time of the invention would not have been motivated to modify the invention in view of Kneebone.
- (2) The prior art references do not contain any suggestion (express or implied) that they be combined, or that they be combined in the manner suggested. Neither Hirsch's device, designed to hold a telephone on a pedestal, nor O'Neill's device, designed to secure appliances to furniture, would be used in an environment exposed to moisture or the elements, because the items which they hold or secure are electrical in nature and designed to be used indoors, and therefore neither would gain any advantage by being made of metal coated with a rust resistant plating material as taught by Kneebone. Therefore, a person of ordinary skill in the art at the time of the invention would not have been motivated to modify the invention in view of Kneebone.
- (3) While O'Neill does mention a metallic base in his specification (Col 3, l 39), he does not specifically claim either a base or side brackets made of metal, and never states in the specification that the "L-shaped" side brackets are made of metal as stated in the OA.
- (4) Claim 14 now rewritten as new claim 32 recites a support stand wherein fixed and non-fixed L-shaped vertical support members with flat planar surfaces are made of metal and coated with a rust-resistant plating material. This language distinguishes over Hirsch under section 102 because Hirsch does not show L-shaped vertical support members with

flat planar surfaces. Therefore, even if Hirsch, O'Neill, and Kneebone were combined, the references would not meet the claims.

This distinction is submitted to be of patentable merit under Section 103 because of the new results which flow from the novel structure of the present invention: the fixed and non-fixed L-shaped vertical support members with flat planar surfaces made of metal and coated with a rust resistant plating material can hold flat display items of varying thickness in a vertical position when placed on the ground for outdoor occasions, without concern about rust damage to the device due to dampness of the ground or inclement weather.

Claim 15 is Canceled

The last OA rejected dependent claim 15 on Hirsch. The limitations of Claim 15 have been incorporated into Claim 5 which has been rewritten as new Claim 23 to define patentably over this reference.

Claim 16 is Canceled

The last OA rejected dependent claim 16 on Hirsch. Applicants believe that this claim conflicts with the rewritten claims of the invention, and therefore withdraw it entirely.

Claim 17 is Canceled

The last OA rejected dependent claim 17 on Hirsch. Applicants believe that this claim is too broad, and therefore withdraw it entirely.

The Objection to Claim 18 is Overcome

The OA stated that dependent Claim 18 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 18 is now rewritten as independent claim 33, including all the limitations of the rewritten base claim 1, together with intervening dependent

claims 2 through 17 which are now rewritten as dependent claims 34 through 46. Applicants request reconsideration of this objection as now applicable to new claims 33 through 46.

CONCLUSION

For all of the above reasons, applicants submit that the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Therefore they submit that this application is now in condition for allowance, which action they respectfully solicit.

CONDITIONAL REQUEST FOR CONSTRUCTIVE ASSISTANCE

Applicants have amended the specification and claims of this application so that they are proper, definite and define novel structure which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicants respectfully request the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P § 706.03(d) and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings

Very respectfully,

Edward W. Holland

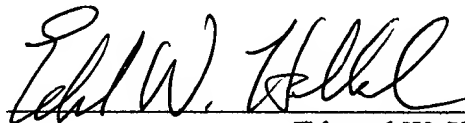
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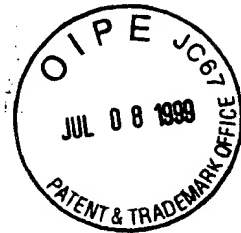
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